



**DEPARTMENT OF DEFENSE
OFFICE OF THE CHIEF PROSECUTOR
OFFICE OF MILITARY COMMISSIONS
1610 DEFENSE PENTAGON
WASHINGTON, DC 20301-1610**

(day) (month) (year)

MEMORANDUM FOR Detainee Salim Ahmed Hamdan 0149, Guantanamo Bay, Cuba

SUBJECT: Notification of the Swearing of Charges

1. You are hereby notified that criminal charges were sworn against you on the ____ day of _____, 2007, pursuant to the Military Commissions Act of 2006 (MCA) and the Manual for Military Commissions (MMC). A copy of this notice is being provided to you and to your detailed defense counsel.

2. Specifically, you are charged with the following offenses:

PROVIDING MATERIAL SUPPORT FOR TERRORISM

CONSPIRACY

(Read the charges and specifications to the accused. If necessary, an interpreter may read the charges in a language, other than English, that the accused understands.)

AFFIDAVIT OF NOTIFICATION

I hereby certify that a copy of this document was provided to the named detainee this ____ day of _____, 2007.

Signature

Organization

Typed or Printed Name and Grade

Address of Organization

CHARGE SHEET**I. PERSONAL DATA****1. NAME OF ACCUSED:**

SALIM AHMED HAMDAN

2. ALIASES OF ACCUSED:

Salim Ahmad Hamdan, Salem Ahmed Salem Hamdan, Saqr al Jadawy, Saqr al Jaddawi, Khalid bin Abdalla, Khalid w'l'd Abdallah

3. ISN NUMBER OF ACCUSED (LAST FOUR):

0149

II. CHARGES AND SPECIFICATIONS**4. CHARGE: VIOLATION OF SECTION AND TITLE OF CRIME IN PART IV OF M.M.C.****SPECIFICATION:****INTRODUCTION**

1. The accused, Salim Ahmad Hamdan, (a/k/a Salem Ahmed Salem Hamdan, Saqr al Jadawy, Saqr al Jaddawi, Khalid bin Abdalla, hereinafter "Hamdan"), is a person subject to trial by military commission for violations of the law of war and other offenses triable by military commission, as an alien unlawful enemy combatant. At all times material to the charges:

JURISDICTION

2. Jurisdiction for this Military Commission is based on Title 10, U.S.C. §948(d), the Military Commission Act of 2006, hereinafter "MCA," its implementation by the Manual for Military Commissions (MMC), Chapter II, Rules for Military Commissions (RMC) 202 and 203; and the final determination of the Combatant Status Review Tribunal of 3 October 2004 that Hamdan is an unlawful enemy combatant as a member or, or affiliated with, al Qaeda.

3. The accused's charged conduct is subject to trial by a military commission. (continued)

III. SWEARING OF CHARGES**5a. NAME OF ACCUSER (LAST, FIRST, MI)**

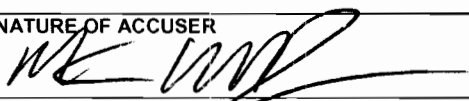
TUBBS II, MARVIN, W

5b. GRADE

O-4

5c. ORGANIZATION OF ACCUSER

OMC-PROSECUTION

5d. SIGNATURE OF ACCUSER**5e. DATE (YYYYMMDD)**

20070202

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oath in cases of this character, personally appeared the above named accuser the 2nd day of February, 2007, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

WILLIAM B. BRITT

Typed Name of Officer

OMC-PROSECUTION

Organization of Officer

O-5

Grade

10 U.S.C. 1044(b)

Official Capacity to Administer Oath
(See R.M.C. 307(b) must be commissioned officer)
Signature

IV. NOTICE TO THE ACCUSED	
6. On <u>February 2</u> , <u>2007</u> the accused was notified of the charges against him/her (See R.M.C. 308).	
<u>WILLIAM B. BRITT</u> <i>Typed Name and Grade of Person Who Caused Accused to Be Notified of Charges</i>	<u>OMC-PROSECUTION</u> <i>Organization of the Person Who Caused Accused to Be Notified of Charges</i>
<u> </u> <i>Signature</i>	

V. RECEIPT OF CHARGES BY CONVENING AUTHORITY	
7. The sworn charges were received at _____ hours, on _____, at _____	

Location	
For the Convening Authority: _____	
_____ <i>Typed Name of Officer</i>	
_____ <i>Grade</i>	
_____ <i>Signature</i>	

VI. REFERRAL		
8a. DESIGNATION OF CONVENING AUTHORITY	8b. PLACE	8c. DATE (YYYYMMDD)

Referred for trial to the (non)capital military commission convened by military commission convening order _____

_____ subject to the following instructions¹: _____

By _____ of _____

Command, Order, or Direction

Typed Name and Grade of Officer

Official Capacity of Officer Signing

Signature

VII. SERVICE OF CHARGES	
9. On _____, _____ I (caused to be) served a copy these charges on the above named accused.	
_____ <i>Typed Name of Trial Counsel</i>	_____ <i>Grade of Trial Counsel</i>
_____ <i>Signature of Trial Counsel</i>	

FOOTNOTES	
¹ See R.M.C. 601 concerning instructions. If none, so state.	

GENERAL ALLEGATIONS

4. Al Qaeda ("the Base"), was founded by Usama bin Laden and others in or about 1989 for the purpose of opposing certain governments and officials with force and violence.
5. Usama bin Laden is recognized as the *emir* (prince or leader) of al Qaeda.
6. A purpose or goal of al Qaeda, as stated by Usama bin Laden and other al Qaeda leaders, is to support violent attacks against property and nationals (both military and civilian) of the United States for the purpose of forcing the United States to withdraw its forces from the Arabian Peninsula and to oppose U.S. support of Israel.
7. Al Qaeda operations and activities have historically been planned and executed with the involvement of a shura (consultation) council composed of committees, including: political committee; military committee; security committee; finance committee; media committee; and religious/legal committee.
8. Between 1989 and 2001, al Qaeda established training camps, guest houses, and business operations in Afghanistan, Pakistan, and other countries for the purpose of training and supporting violent attacks against property and nationals (both military and civilian) of the United States and other countries.
9. In August of 1996, Usama bin Laden issued a public "Declaration of Jihad Against the Americans," in which he called for the murder of U.S. personnel serving on the Arabian peninsula.
10. In February of 1998, Usama bin Laden, Ayman al Zawahiri, and others, under the banner of "International Islamic Front for Fighting Jews and Crusaders" issued a fatwa (purported religious ruling) requiring all Muslims able to do so to kill Americans – whether civilian or military- anywhere they can be found and to "plunder their money."
11. On or about May 29, 1998, Usama bin Laden issued a statement entitled "The Nuclear Bomb of Islam," under the banner of the "International Islamic Front for Fighting Jews and Crusaders," in which he stated that "it is the duty of the Muslims to prepare as much force as possible to terrorize the enemies of God."



12. In or around 2001, al Qaeda's media committee created As Sahab ("The Clouds") Media Foundation which has orchestrated and distributed multi-media propaganda detailing al-Qaeda's training efforts and its reasons for its declared war against the United States.

13. Since 1989 members and associates of al Qaeda, known and unknown, have carried out numerous terrorist attacks, including, but not limited to: the attacks against the American Embassies in Kenya and Tanzania in August 1998; the attack against the USS COLE in October 2000; and the attacks on the United States on September 11, 2001.

14. On or about October 8, 1999, the United States designated al Qaeda a foreign terrorist organization pursuant to Section 219 of the Immigration and Nationality Act, and on or about August 21, 1998, the United States designated al Qaeda a "specially designated terrorist" (SDT), pursuant to the International Emergency Economic Powers Act.

SUBSTANTIVE OFFENSES

CHARGE I: Violation of Part IV, MMC §950v(28) - CONSPIRACY

Specification 1:

15. In that Hamdan did, in Afghanistan and other countries, from in or about February 1996 to on or about November 24, 2001, willfully join an enterprise of persons who shared a common criminal purpose said criminal purpose known to the said accused and conspired and agreed with Usama bin Laden, Saif al Adel, Dr. Ayman al Zawahari (a/k/a "the Doctor"), Muhammad Atef (a/k/a Abu Hafs al Masri), and other members and associates of the al Qaeda organization, known and unknown, to commit the following offenses subject to trial by military commission: attacking protected property; attacking civilians; attacking civilian objects; murder in violation of the law of war; destruction of property in violation of the law of war;; hijacking or hazarding a vessel or aircraft; and terrorism.

16. In furtherance of this enterprise and conspiracy, Hamdan and other members or associates of al Qaida knowingly committed at least one of the following overt acts in order to accomplish some objective or purpose of the conspiracy, to wit;

a. In 1996, Hamdan met with Usama Bin Laden in Qandahar, Afghanistan and ultimately became a bodyguard and personal driver for Usama bin Laden. Hamdan served in this capacity until his capture in November of 2001. Based on his contact with Usama bin Laden and members or associates of al Qaida during this period, Hamdan believed that Usama bin



Laden and his associates were involved in the attacks on the USS COLE in October 2000, and the attacks on the United States on September 11, 2001.

b. From 1996 through November 2001, Hamdan:

1. transported and delivered weapons, ammunition or other supplies to al Qaeda members and associates;
2. picked up weapons at Taliban warehouses for al Qaeda use and delivered them directly to Saif al Adel, the head of al Qaeda's security committee, in Qandahar, Afghanistan;
3. served as a driver for Usama bin Laden and other high ranking al Qaeda members and associates;
4. served as an armed bodyguard for Usama bin Laden and other high ranking al Qaeda members and associates.

c. On various occasions between 1996 and November of 2001, Hamdan drove or accompanied Usama bin Laden to various al Qaeda-sponsored training camps, press conferences, or lectures. During these trips, Usama bin Laden would give speeches in which he would encourage others to conduct "martyr missions" (meaning an attack wherein one would kill himself as well as the targets of the attack) against the Americans, to engage in war against the Americans, and to drive the "infidels" out of the Arabian Peninsula.

d. Between 1996 and November of 2001, Hamdan, on various occasions received weapons training in Afghanistan.

Specification 2:

17. In that Hamdan did, in Afghanistan, on or about November 24, 2001, willfully enter into an agreement with one or more members of al Qaeda or Taliban to commit the offense of Murder in Violation of the Law of War, a substantive offense subject to trial by military commission, to wit; the murder of United States or Coalition service members serving as pilots, crew or passengers of United States or Coalition military aircraft, knowing the unlawful purpose of said agreement and joining into said agreement willingly with the intent to further said unlawful purpose, knowingly commit an overt act in order to accomplish some objective or purpose of said agreement, to wit, transporting one or more SA-7 surface to air missiles to be ultimately used to unlawfully and intentionally kill said United State or



Coalition service members said overt act being in violation of the law of war and taking place in the context of and associated with armed conflict.

CHARGE II: Violation of Part IV, MMC §950v(25) - PROVIDING MATERIAL SUPPORT FOR TERRORISM

Specification 1:

18. In that Hamdan did, in Afghanistan and other countries, from in or about February 1996 to on or about November 24, 2001, in the context of or associated with an armed conflict, provide material support and resources to wit: personnel, himself, to be used in preparation for or carrying out an act of terrorism, and that the said Hamdan knew or intended that the said material support or resources were to be used for an act of terrorism, by joining the terrorist organization known as al Qaeda and performing at least one of the following:

- a. Attended and received training at an al Qaeda terrorist weapons training camp;
- b. Served as a driver for Usama bin Laden and other high ranking al Qaeda members and associates transporting them to various locations in Afghanistan;
- c. Served as Usama bin Laden's armed bodyguard at various locations throughout Afghanistan;
- d. Transported weapons or weapons systems or other supplies for the purpose of delivering or attempting to deliver said weapons or weapons systems to al Qaeda members and associates.

Specification 2:

19. In that Hamdan did, in Afghanistan and other countries, from in or about February 1996 to on or about November 24, 2001, in context of or associated with an armed conflict and with knowledge that al Qaeda has engaged in or engages in terrorism, did provide material support or resources, to wit: personnel, himself, to al Qaeda, an international terrorist organization engaged in hostilities against the United States, with the intent to provide such material support and resources to al Qaeda, by becoming a member of the organization and performing at least one of the following:

NS

- a. Attended and received training at an al Qaida terrorist weapons training camp;
- b. Served as a driver for Usama bin Laden and other high ranking al Qaida members and associates transporting them to various locations in Afghanistan;
- c. Served as Usama bin Laden's armed bodyguard at various locations throughout Afghanistan;
- d. Transported weapons or weapons systems or other supplies for the purpose of delivering or attempting to deliver said weapons or weapons systems to al Qaida members and associates.

Specification 3.

20. In that Hamdan did, in Afghanistan, on or about November 24, 2001, in the context of or associated with an armed conflict, provide material support and resources to wit: weapons and weapons systems, to wit; one or more SA-7 surface to air missiles, to be used in preparation for or carrying out an act of terrorism, and the said Hamdan knew or intended that these missiles were to be used for an act of terrorism, by joining the terrorist organization known as al Qaeda and knowingly provide one or more SA-7 surface to air missiles to members of al Qaeda, Taliban or others directly associated with said organizations.

Specification 4.

21. In that Hamdan did, in Afghanistan, on or about November 24, 2001, in context of or associated with an armed conflict and with knowledge that al Qaeda, has engaged in or engages in terrorism, did provide material support or resources, to wit, weapons and weapons systems, to wit; one or more SA-7 surface to air missiles to al Qaeda, an international terrorist organization engaged in hostilities against the United States, with the intent to provide such material support and resources to al Qaeda, by knowingly provide one or more SA-7 surface to air missiles to members of al Qaeda, Taliban or others directly associated with said organizations.



Specification 5.

22. In that Hamdan did, in Afghanistan and other countries, from in or about February 1996 to on or about November 24, 2001, in the context of or associated with an armed conflict, provide material support and resources to wit: service or transportation by serving as a driver for Usama bin Laden and other high ranking al Qaeda members and associates by transporting them to various locations in Afghanistan knowing and intending that by providing said service or transportation he was directly facilitating communication and planning used for an act of terrorism.

Specification 6.

23. In that Hamdan did, in Afghanistan and other countries, from in or about February 1996 to on or about November 24, 2001, in the context of or associated with an armed conflict and with knowledge that al Qaeda, an international terrorist organization engaged in hostilities against the United States, has engaged in or engages in terrorism, by intentionally providing material support or resources to al Qaeda, to wit: service or transportation to Usama bin Laden and other high ranking al Qaeda members and associates by transporting them to various areas in Afghanistan knowing that by providing said service or transportation he was directly facilitating communication and planning used for acts of terrorism.

Specification 7.

24. In that Hamdan did, in Afghanistan and other countries, from in or about February 1996 to on or about November 24, 2001, in the context of or associated with an armed conflict, provide material support and resources to wit: service as an armed body guard for Usama bin Laden, knowing and intending that by providing said service as an armed bodyguard he was protecting the leader of al Qaeda and facilitating communication and planning used for acts of terrorism.

Specification 8.

25. In that Hamdan did, in Afghanistan and other countries, from in or about February 1996 to on or about November 24, 2001, in the context of or associated with an armed conflict and with knowledge that al Qaida, an international terrorist organization has engaged in hostilities against the United States, has engaged in or engages in terrorism, intentionally provide material support or resources, to al Qaida, to wit: service as an armed body guard for Usama bin Laden by knowing that by providing said service as an armed body guard for Usama bin



Laden he was protecting the leader of al Qaeda and facilitating communication and planning used for acts of terrorism.